
SECOND ENGROSSED SUBSTITUTE SENATE BILL 5659

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Government Operations & Elections (originally sponsored by Senators Winsley, Kastama, Oke, Franklin, Swecker, Rasmussen, Regala and Kohl-Welles)

READ FIRST TIME 03/05/03.

1 AN ACT Relating to authorizing additional funding for local
2 governments; amending RCW 36.70A.130, 84.55.050, and 36.70A.040; adding
3 a new section to chapter 82.14 RCW; creating a new section; providing
4 an effective date; and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that local governments
7 in the state of Washington face enormous challenges in the area of
8 criminal justice and public health. It is the legislature's intent to
9 allow general local governments to raise revenues in order to better
10 protect the health and safety of Washington state and its residents.
11 It is further the intent of the legislature to provide such local
12 governments relief from regulatory burdens that do not harm the public
13 health and safety of the citizens of the state as a means of minimizing
14 the need to generate new revenues authorized under this act.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 82.14 RCW
16 to read as follows:

17 (1) A county legislative authority may submit an authorizing
18 proposition to the county voters at a primary or general election and,

1 if the proposition is approved by a majority of persons voting, impose
2 a sales and use tax in accordance with the terms of this chapter. The
3 title of each ballot measure must clearly state the purposes for which
4 the proposed sales and use tax will be used. Funds raised under this
5 tax shall not supplant existing funds used for these purposes. The
6 rate of tax under this section shall not exceed three-tenths of one
7 percent of the selling price in the case of a sales tax, or value of
8 the article used, in the case of a use tax.

9 (2) The tax authorized in this section is in addition to any other
10 taxes authorized by law and shall be collected from those persons who
11 are taxable by the state under chapters 82.08 and 82.12 RCW upon the
12 occurrence of any taxable event within the county.

13 (3) The county legislative authority may exempt the retail sale or
14 use of new or used motor vehicles, and the lease of new or used motor
15 vehicles for up to the first thirty-six months of the lease, from tax
16 imposed under this section.

17 (4) One-third of all money received under this section shall be
18 used solely for criminal justice purposes. For the purposes of this
19 subsection, "criminal justice purposes" means additional police
20 protection, mitigation of congested court systems, or relief of
21 overcrowded jails or other local correctional facilities.

22 (5) Money received under this section shall be shared between the
23 county and the cities as follows: Sixty percent shall be retained by
24 the county and forty percent shall be distributed on a per capita basis
25 to cities in the county.

26 **Sec. 3.** RCW 36.70A.130 and 2002 c 320 s 1 are each amended to read
27 as follows:

28 (1)(a) Each comprehensive land use plan and development regulations
29 shall be subject to continuing review and evaluation by the county or
30 city that adopted them. A county or city shall take legislative action
31 to review and, if needed, revise its comprehensive land use plan and
32 development regulations to ensure the plan and regulations comply with
33 the requirements of this chapter according to the time periods
34 specified in subsection (4) of this section. A county or city not
35 planning under RCW 36.70A.040 shall take action to review and, if
36 needed, revise its policies and development regulations regarding
37 critical areas and natural resource lands adopted according to this

1 chapter to ensure these policies and regulations comply with the
2 requirements of this chapter according to the time periods specified in
3 subsection (4) of this section. Legislative action means the adoption
4 of a resolution or ordinance following notice and a public hearing
5 indicating at a minimum, a finding that a review and evaluation has
6 occurred and identifying the revisions made, or that a revision was not
7 needed and the reasons therefore. The review and evaluation required
8 by this subsection may be combined with the review required by
9 subsection (3) of this section. The review and evaluation required by
10 this subsection shall include, but is not limited to, consideration of
11 critical area ordinances and, if planning under RCW 36.70A.040, an
12 analysis of the population allocated to a city or county from the most
13 recent ten-year population forecast by the office of financial
14 management.

15 (b) Any amendment of or revision to a comprehensive land use plan
16 shall conform to this chapter. Any amendment of or revision to
17 development regulations shall be consistent with and implement the
18 comprehensive plan.

19 (2)(a) Each county and city shall establish and broadly disseminate
20 to the public a public participation program consistent with RCW
21 36.70A.035 and 36.70A.140 that identifies procedures and schedules
22 whereby updates, proposed amendments, or revisions of the comprehensive
23 plan are considered by the governing body of the county or city no more
24 frequently than once every year. "Updates" means to review and revise,
25 if needed, according to subsection (1) of this section, and the time
26 periods specified in subsection (4) of this section. Amendments may be
27 considered more frequently than once per year under the following
28 circumstances:

29 (i) The initial adoption of a subarea plan that does not modify the
30 comprehensive plan policies and designations applicable to the subarea;

31 (ii) The adoption or amendment of a shoreline master program under
32 the procedures set forth in chapter 90.58 RCW; and

33 (iii) The amendment of the capital facilities element of a
34 comprehensive plan that occurs concurrently with the adoption or
35 amendment of a county or city budget.

36 (b) Except as otherwise provided in (a) of this subsection, all
37 proposals shall be considered by the governing body concurrently so the
38 cumulative effect of the various proposals can be ascertained.

1 However, after appropriate public participation a county or city may
2 adopt amendments or revisions to its comprehensive plan that conform
3 with this chapter whenever an emergency exists or to resolve an appeal
4 of a comprehensive plan filed with a growth management hearings board
5 or with the court.

6 (3) Each county that designates urban growth areas under RCW
7 36.70A.110 shall review, at least every ten years, its designated urban
8 growth area or areas, and the densities permitted within both the
9 incorporated and unincorporated portions of each urban growth area. In
10 conjunction with this review by the county, each city located within an
11 urban growth area shall review the densities permitted within its
12 boundaries, and the extent to which the urban growth occurring within
13 the county has located within each city and the unincorporated portions
14 of the urban growth areas. The county comprehensive plan designating
15 urban growth areas, and the densities permitted in the urban growth
16 areas by the comprehensive plans of the county and each city located
17 within the urban growth areas, shall be revised to accommodate the
18 urban growth projected to occur in the county for the succeeding
19 twenty-year period. The review required by this subsection may be
20 combined with the review and evaluation required by RCW 36.70A.215.

21 (4) The department shall establish a schedule for counties and
22 cities to take action to review and, if needed, revise their
23 comprehensive plans and development regulations to ensure the plan and
24 regulations comply with the requirements of this chapter. The schedule
25 established by the department shall provide for the reviews and
26 evaluations to be completed as follows:

27 (a) On or before December 1, 2004, and every seven years
28 thereafter, for ((Clallam₇)) Clark, ((Jefferson₇)) King, Kitsap,
29 Pierce, Snohomish, Thurston, and Whatcom counties and the cities within
30 those counties;

31 (b) On or before December 1, 2005, and every seven years
32 thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit,
33 Clallam, Jefferson, and Skamania counties and the cities within those
34 counties;

35 (c) On or before December 1, 2006, and every seven years
36 thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and
37 Yakima counties and the cities within those counties; and

1 (d) On or before December 1, 2007, and every seven years
2 thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield,
3 Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille,
4 Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities
5 within those counties.

6 (5)(a) Nothing in this section precludes a county or city from
7 conducting the review and evaluation required by this section before
8 the time limits established in subsection (4) of this section.
9 Counties and cities may begin this process early and may be eligible
10 for grants from the department, subject to available funding, if they
11 elect to do so.

12 (b) State agencies are encouraged to provide technical assistance
13 to the counties and cities in the review of critical area ordinances,
14 comprehensive plans, and development regulations.

15 (6) A county or city subject to the time periods in subsection
16 (4)(a) of this section that, pursuant to an ordinance adopted by the
17 county or city establishing a schedule for periodic review of its
18 comprehensive plan and development regulations, has conducted a review
19 and evaluation of its comprehensive plan and development regulations
20 and, on or after January 1, 2001, has taken action in response to that
21 review and evaluation shall be deemed to have conducted the first
22 review required by subsection (4)(a) of this section. Subsequent
23 review and evaluation by the county or city of its comprehensive plan
24 and development regulations shall be conducted in accordance with the
25 time periods established under subsection (4)(a) of this section.

26 (7) The requirements imposed on counties and cities under this
27 section shall be considered "requirements of this chapter" under the
28 terms of RCW 36.70A.040(1). Only those counties and cities in
29 compliance with the schedules in this section shall have the requisite
30 authority to receive grants, loans, pledges, or financial guarantees
31 from those accounts established in RCW 43.155.050 and 70.146.030. Only
32 those counties and cities in compliance with the schedules in this
33 section shall receive preference for grants or loans subject to the
34 provisions of RCW 43.17.250.

35 **Sec. 4.** RCW 84.55.050 and 1989 c 287 s 1 are each amended to read
36 as follows:

37 (1) Subject to any otherwise applicable statutory dollar rate

1 limitations, regular property taxes may be levied by or for a taxing
2 district in an amount exceeding the limitations provided for in this
3 chapter if such levy is authorized by a proposition approved by a
4 majority of the voters of the taxing district voting on the proposition
5 at a general election held within the district or at a special election
6 within the taxing district called by the district for the purpose of
7 submitting such proposition to the voters. Any election held pursuant
8 to this section shall be held not more than twelve months prior to the
9 date on which the proposed levy is to be made, except as provided in
10 subsection (3)(b) of this section. The ballot of the proposition shall
11 state the dollar rate proposed and shall clearly state any conditions
12 which are applicable under subsection (3) of this section.

13 (2) After a levy authorized pursuant to this section is made, the
14 dollar amount of such levy shall be used for the purpose of computing
15 the limitations for subsequent levies provided for in this chapter,
16 except as provided in subsections (3) and (4) of this section.

17 (3) A proposition placed before the voters under this section may:

18 (a) Limit the period for which the increased levy is to be made;

19 (b) Subject to statutory dollar limitations in RCW 84.52.043,
20 authorize annual increases in levies for any county, city, or town for
21 multiple consecutive years, up to six consecutive years, during which
22 period each year's authorized maximum legal levy shall be used as the
23 base upon which an increased levy limit for the succeeding year is
24 computed, but the ballot proposition must state the dollar rate
25 proposed only for the first year of the consecutive years and must
26 state the limit factor, or a specified index to be used for determining
27 a limit factor, such as the consumer price index, which need not be the
28 same for all years, by which the regular tax levy for the district may
29 be increased in each of the subsequent consecutive years. Elections
30 for this purpose must be held at a primary or general election. The
31 title of each ballot measure must state the specific purposes for which
32 the proposed levy increase shall be used, and funds raised under this
33 levy shall not supplant existing funds used for these purposes;

34 (c) Limit the purpose for which the increased levy is to be made,
35 but if the limited purpose includes making redemption payments on
36 bonds, the period for which the increased levies are made shall not
37 exceed nine years;

1 subsection, a county not currently planning under this chapter is not
2 required to include in its population count those persons confined in
3 a correctional facility under the jurisdiction of the department of
4 corrections that is located in the county.

5 (b) Once a county meets either of these sets of criteria and the
6 county has not removed itself from the requirement to plan under this
7 section pursuant to subsection (3) of this section, the requirement to
8 conform with all of the requirements of this chapter remains in effect,
9 even if the county no longer meets one of these sets of criteria.

10 (2) The county legislative authority of any county that does not
11 meet either of the sets of criteria established under subsection (1) of
12 this section may adopt a resolution indicating its intention to have
13 subsection (1) of this section apply to the county. Each city, located
14 in a county that chooses to plan under this subsection, shall conform
15 with all of the requirements of this chapter. Once such a resolution
16 has been adopted, the county and the cities located within the county
17 remain subject to all of the requirements of this chapter unless the
18 county removes itself from the requirement to plan under this section
19 pursuant to subsection (3) of this section.

20 (3) A county that meets the requirements of this subsection, and a
21 city located within the county, may be relieved from the requirement to
22 plan under this section.

23 (a) A county may be relieved from the planning requirement of this
24 section only if the county: (i) Has a population of less than ten
25 thousand; (ii) has a privately owned taxable land base of less than
26 twenty percent; and (iii) includes no more than one incorporated city.

27 (b) To be relieved from the planning requirement of this section,
28 a county shall adopt a resolution that removes the county and the city
29 from the requirement to plan and shall file the resolution with the
30 department. Removal shall be deemed to occur on the date the
31 resolution is filed with the department.

32 (4) Any county or city that is initially required to conform with
33 all of the requirements of this chapter under subsection (1) of this
34 section and has not removed itself under subsection (3) of this section
35 shall take actions under this chapter as follows: (a) The county
36 legislative authority shall adopt a county-wide planning policy under
37 RCW 36.70A.210; (b) the county and each city located within the county
38 shall designate critical areas, agricultural lands, forest lands, and

1 mineral resource lands, and adopt development regulations conserving
2 these designated agricultural lands, forest lands, and mineral resource
3 lands and protecting these designated critical areas, under RCW
4 36.70A.170 and 36.70A.060; (c) the county shall designate and take
5 other actions related to urban growth areas under RCW 36.70A.110; (d)
6 if the county has a population of fifty thousand or more, the county
7 and each city located within the county shall adopt a comprehensive
8 plan under this chapter and development regulations that are consistent
9 with and implement the comprehensive plan on or before July 1, 1994,
10 and if the county has a population of less than fifty thousand, the
11 county and each city located within the county shall adopt a
12 comprehensive plan under this chapter and development regulations that
13 are consistent with and implement the comprehensive plan by January 1,
14 1995, but if the governor makes written findings that a county with a
15 population of less than fifty thousand or a city located within such a
16 county is not making reasonable progress toward adopting a
17 comprehensive plan and development regulations the governor may reduce
18 this deadline for such actions to be taken by no more than one hundred
19 eighty days. Any county or city subject to this subsection may obtain
20 an additional six months before it is required to have adopted its
21 development regulations by submitting a letter notifying the department
22 of community, trade, and economic development of its need prior to the
23 deadline for adopting both a comprehensive plan and development
24 regulations.

25 ~~((4))~~ (5) Any county or city that is required to conform with all
26 the requirements of this chapter, as a result of the county legislative
27 authority adopting its resolution of intention under subsection (2) of
28 this section and the county has not removed itself pursuant to
29 subsection (3) of this section, shall take actions under this chapter
30 as follows: (a) The county legislative authority shall adopt a county-
31 wide planning policy under RCW 36.70A.210; (b) the county and each city
32 that is located within the county shall adopt development regulations
33 conserving agricultural lands, forest lands, and mineral resource lands
34 it designated under RCW 36.70A.060 within one year of the date the
35 county legislative authority adopts its resolution of intention; (c)
36 the county shall designate and take other actions related to urban
37 growth areas under RCW 36.70A.110; and (d) the county and each city
38 that is located within the county shall adopt a comprehensive plan and

1 development regulations that are consistent with and implement the
2 comprehensive plan not later than four years from the date the county
3 legislative authority adopts its resolution of intention, but a county
4 or city may obtain an additional six months before it is required to
5 have adopted its development regulations by submitting a letter
6 notifying the department of community, trade, and economic development
7 of its need prior to the deadline for adopting both a comprehensive
8 plan and development regulations.

9 ~~((+5))~~ (6) If the office of financial management certifies that
10 the population of a county that previously had not been required to
11 plan under subsection (1) or (2) of this section has changed
12 sufficiently to meet either of the sets of criteria specified under
13 subsection (1) of this section, and where applicable, the county
14 legislative authority has not adopted a resolution removing the county
15 from these requirements as provided in subsection (1) of this section,
16 the county and each city within such county shall take actions under
17 this chapter as follows: (a) The county legislative authority shall
18 adopt a county-wide planning policy under RCW 36.70A.210; (b) the
19 county and each city located within the county shall adopt development
20 regulations under RCW 36.70A.060 conserving agricultural lands, forest
21 lands, and mineral resource lands it designated within one year of the
22 certification by the office of financial management; (c) the county
23 shall designate and take other actions related to urban growth areas
24 under RCW 36.70A.110; and (d) the county and each city located within
25 the county shall adopt a comprehensive land use plan and development
26 regulations that are consistent with and implement the comprehensive
27 plan within four years of the certification by the office of financial
28 management, but a county or city may obtain an additional six months
29 before it is required to have adopted its development regulations by
30 submitting a letter notifying the department of community, trade, and
31 economic development of its need prior to the deadline for adopting
32 both a comprehensive plan and development regulations.

33 ~~((+6))~~ (7) A copy of each document that is required under this
34 section shall be submitted to the department at the time of its
35 adoption.

36 ~~((+7))~~ (8) Cities and counties planning under this chapter must
37 amend the transportation element of the comprehensive plan to be in

1 compliance with this chapter and chapter 47.80 RCW no later than
2 December 31, 2000.

3 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of the
5 state government and its existing public institutions, and takes effect
6 July 1, 2003.

7 NEW SECTION. **Sec. 7.** If any provision of this act or its
8 application to any person or circumstance is held invalid, the
9 remainder of the act or the application of the provision to other
10 persons or circumstances is not affected.

--- END ---